

Message Text

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EXDIS

E.O. 11652: GDS
TAGS: PCAT, PARM, US, UR
SUBJ: WORKING GROUP ON POLITICAL/LEGAL CRITERIA

SUMMARY: AFTER THE MEETING OF POLITICAL/LEGAL CRITERIA
WORKING GROUP, IT SEEMS CLEAR THAT RESOLUTION OF U.S./SOVIET
DIFFERENCES IN APPROACH WILL REQUIRE EXTENDED NEGOTIATIONS.
FIRST OF TWO MEETINGS, HELD ON JULY 18 AND 20, WERE PRIMARILY
OF A GENERAL, EXPLORATORY NATURE, THIRD MEETING BEGAN
COMPARISON OF SPECIFIC US AND SOVIET DRAFTS. COMPARISON OF
THE TWO DRAFTS REVEALS SOME SIMILARITIES, AND ALSO A NUMBER
OF FUNDAMENTAL DIFFERENCES. HOWEVER, SOME USEFUL DEVELOP-
MENTS HAVE OCCURRED, INCLUDING POSSIBLE SOVIET INDICATION OF
WILLINGNESS TO DROP THEIR PROPOSED BAN ON SALES FOR PROFIT
AND SOVIET GENERAL ACKNOWLEDGEMENT THAT OBJECTIVE IS REGULATION
AND RESTRAINT RATHER THAN AN EXPANSION OF LEGAL PROHIBITIONS.
END SUMMARY.

1. AT JULY 18 MEETING, THE TWO SIDES DISCUSSED PROCEDURES FOR
CONDUCTING THEIR WORK AND ENGAGED IN EXCHANGE OF VIEWS
ON APPROACH TO SUBSTANCE. PRINCIPAL DEVELOPMENT WAS
SOVIET STATEMENT THAT THERE SEEMED TO BE NO NEED FOR THEIR
PROPOSED BAN ON SALES FOR PROFIT, ON THE UNDERSTANDING
THAT CRITERIA WOULD APPLY TO ARMS SALES THROUGH
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COMMERCIAL CHANNELS, AS WELL AS THOSE THROUGH OFFICIAL
GOVERNMENT CHANNELS. U.S. SIDE EXPLAINED THAT THIS WAS
U.S. INTENT. ALSO NOTEWORTHY WAS SOVIET LISTING OF
SOURCES UPON WHICH THEY CLAIMED TO RELY IN FORMULATING

THEIR PROPOSED CRITERIA. THESE WERE: UN CHARTER;
DECLARATION ON FRIENDLY RELATIONS (UNGA RES 2625);

RESOLUTION ON ENHANCING INTERNATIONAL SECURITY (UNGA RES 2734); RESOLUTION ON ENHANCING INTERNATIONAL SECURITY AND DEEPENING DETENTE (DEC. 19, 1977); DEFINITION OF AGGRESSION (UNGA RES. 3314); DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (UNGA RES. 1515); CSCE FINAL ACT.

2. GENERAL DISCUSSION WAS CONTINUED AT JULY 20 MEETING, WITH EXPOSITION OF CONCERNS BY EACH SIDE ABOUT THE OTHER'S DRAFT. US SIDE EMPHASIZED PRIMARY NEED FOR CRITERIA WHICH WOULD PROVIDE GUIDANCE IN MAKING LAWFUL TRANSFERS RATHER THAN NEW RULES (OR NEW INTERPRETATIONS) OF A PROHIBITORY CHARACTER. CONSIDERABLE TIME WAS DEVOTED TO PROCEDURAL MATTERS, WITH RESULTING AGREEMENT THAT WORK SHOULD PROCEED WITH COMPARISON OF TEXTS. US SIDE UNDERTOOK TO SUBMIT COMPLETE VERSION OF ITS PROPOSED TEXT IN A SINGLE DOCUMENT IN LIGHT OF SOVIET UNCERTAINTY ABOUT STATUS OF MAY U.S. DRAFT. (THIS TEXT, AND A SIDE BY SIDE COMPARISON OF U.S. AND SOVIET DRAFTS WERE PROVIDED TO SOVIET WORKING GROUP CHAIRMAN (BELONOGOV) ON JULY 21. TEXT TRANSMITTED SEPTTEL.)

3. AT THIRD MEETING, JULY 24, PRELIMINARY COMPARISON OF TEXTS REVEALED SIMILAR GENERAL STRUCTURE IN ARTICLES I AND II OF SOVIET DRAFT AND ARTICLE I OF U.S. DRAFT, IN THAT BOTH TEXTS DESCRIBED PERMISSIBLE AND IMPERMISSIBLE
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ARMS TRANSFERS. SOVIET SAID VOLUNTEERED THAT THEIR ARTICLE III ON BANNING SALES FOR PROFIT (WHICH THEY HAD PREVIOUSLY INDICATED THEY WERE WILLING TO WITHDRAW) WAS SIMILAR IN INTENT TO ARTICLE II OF U.S. DRAFT. OBVIOUS SIMILARITIES WERE NOTED ON QUESTIONS OF SELF-DEFENSE, ADHERENCE TO UN SECURITY COUNCIL DECISIONS, UNLAWFUL USES OF FORCE AND RESPECT FOR EXISTING BOUNDARIES. DETAILED EXAMINATION OF PARAGRAPH 1 OF TEXT DISCLOSED GREAT SOVIET RELUCTANCE TO ACKNOWLEDGE LEGITIMACY OF INTERNAL SECURITY AS A PURPOSE FOR ARMS TRANSFERS, OR TO ADMIN COMPETENCE OF REGIONAL ORGANIZATIONS. SOVIETS WERE ALSO COMMITTED TO NOTION OF "FIGHTING TO ELIMINATE THE CONSEQUENCES OF AGGRESSION," WHEREBY VICTIM OF AGGRESSION COULD RESUME HOSTILITIES AFTER CEASE-FIRE IN ORDER TO REPEL OCCUPATION BY AGGRESSOR. WHEN PRESSED, SOVIETS ACKNOWLEDGED DUTY TO RESPECT ARMISTICE LINES, BUT EMPHASIZED THAT, AS STATED IN FRIENDLY RELATIONS DECLARATION, SUCH LINES WERE OF TEMPORARY CHARACTER. FINAL ITEM IN THIS SECTION OF SOVIET DRAFT, SUPPORT FOR NATIONAL LIBERATION MOVEMENTS, WILL BE DEFERRED UNTIL FINAL WORKING GROUP MEETING ON JULY 27.

4. AT THIS STAGE, IT APPEARS THAT SOVIETS ARE PROCEEDING
IN AN UNHURRIED, DELIBERATIVE MANNER, CONSISTENT
WITH THE PACE THEY ARE FOLLOWING IN OTHER WORKING GROUPS.
THEY SEEM HOPEFUL OF OBTAINING IN THIS EXERCISE SOME
MOVEMENT TOWARD THEIR LEGAL POSITIONS, AND HAVE RE-
PEATEDLY EXPRESSED THEIR CONFIDENCE THAT AGREEMENT ON
MOST CRITERIA WILL NOT BE DIFFICULT. MEETINGS HAVE
BEEN BUSINESSLIKE AND CORDIAL, WITH VIRTUALLY NO
POLEMICS OR POINT SCORING. USDEL ASSESSMENT REMAINS
THAT ISSUES CAN BE RESOLVED IN MANNER THAT WILL NOT PRE-
JUDICE U.S. INTERESTS AT SUCH TIME AS SOVIETS ARE READY
TO ACCEPT OVERALL OBJECTIVE OF RESTRAINT. UNTIL THEN,
THEY ARE IN A POSITION TO STICK WITH AT LEAST SOME OF
THE CLEARLY UNACCEPTABLE POSITIONS THEY HAVE STATED IN
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THEIR DRAFT. IN INTERIM, NEGOTIATIONS MAY BE EXPECTED
TO PROCEED SLOWLY.
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